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Attorneys for Defendant
COSTCO WHOLESALE CORPORATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARIA SERRANO, an individual;
ELMER APURA, an individual,

Plaintiffs,

vs.

COSTCO WHOLESALE CORPORATION, a
State of Washington Corporation; and DOES
1-15, inclusive,

Defendant.

Case No.:

Second Judicial District Court
Case No.: CV21-00468

**DEFENDANT COSTCO WHOLESALE
CORPORATION'S PETITION FOR
REMOVAL**

Defendant COSTCO WHOLESALE CORPORATION, a Foreign Corporation ("Costco"), by and through its counsel of record, Michael E. Sullivan, Esq., Michael A. Burke, Esq., and Hannah E. Winston, Esq., of the law offices of Robison, Sharp, Sullivan & Brust submits this Petition for Removal of the above-captioned lawsuit entitled MARIA SERRANO, an individual; ELMER APURA, an individual vs. COSTCO WHOLESALE CORPORATION, a State of Washington Corporation, and DOES 1-5, inclusive, Case No. CV21-00468, assigned to DEPT. NO. 3, in the Second Judicial District Court located in Washoe County, Nevada ("State Court") to this Court pursuant to 28 U.S.C. §§1332(a), 1441, and 1446(b)(3).

I. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

1. COSTCO was served with a copy of Plaintiffs MARIA SERRANO ("Serrano") and ELMER APURA ("Apura") State Court Summons and Complaint ("Complaint") on or about April 14, 2021. Thus, this removal is timely because the 30-day period for filing the removal has not passed. 28 U.S.C. §1446(b). Additionally, removal is timely because it is filed within one year from when Plaintiffs filed the original Complaint in the State Court action on or about March 17, 2021.

2. Pursuant to 28 U.S.C. §1446(a), COSTCO has attached a true and correct copy of the Complaint filed March 17, 2021 as **EXHIBIT "1"**, and a true and correct copy of the Proof of Service Summons and Complaint file April 16, 2021 is attached as **EXHIBIT "2."**

3. COSTCO has provided and served a copy of the Petition for Removal on Plaintiffs, MARIA SERRANO and ELMER APURA, through their counsel Kozak & Associates, LLC, and COSTCO will timely file a copy of the Petition for Removal with the Clerk of the Washoe County District Court as required by 28 U.S.C. §1446(d).

4. COSTCO is informed and believes and hereon alleges that no other parties have appeared apart from itself and Plaintiffs.

5. Removal from State Court to this Court is proper as this district embraces the place where the action is pending per 28 U.S.C. §1441(a).

II. BACKGROUND

6. Plaintiffs have asserted in their Complaint two (2) causes of action for Negligence and Loss of Consortium against all Defendants arising out of an alleged personal injury which occurred in the Reno Costco warehouse. Plaintiff SERRANO slipped on water or another unknown substance and twisted her right ankle.

III. COMPLETE DIVERSITY OF CITIZENSHIP AS TO THE PARTIES

7. COSTCO is informed and believes that Plaintiffs are citizens of Nevada.

8. COSTCO is a corporation organized under the laws of the state of Washington and has its principal place of business in the State of Washington.

DATED this 19 day of April, 2021.

ROBISON, SHARP, SULLIVAN & BRUST
71 Washington Street
Reno, Nevada 89503

By: Michael E. Sullivan
MICHAEL E. SULLIVAN, ESQ.
MICHAEL A. BURKE, ESQ.
HANNAH E. WINSTON, ESQ.
Attorneys for Defendant
COSTCO WHOLESALE CORPORATION

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of **DEFENDANT COSTCO WHOLESALE CORPORATION'S PETITION FOR REMOVAL** on all parties to this action by the method(s) indicated below:

_____ by placing true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

Charles R. Kozak, Esq.
KOZAK & ASSOCIATES, LLC
3100 Mill Street, Suite 115
Reno, NV 89502

XX by using the Court's CM/ECF Electronic Notification System addressed to:

Charles R. Kozak, Esq. chuck@KozakLawFirm.com

XX by email addressed to:

Charles R. Kozak, Esq. chuck@KozakLawFirm.com

_____ by facsimile (fax) addressed to:

Charles R. Kozak, Esq. (775) 800-1767
KOZAK & ASSOCIATES, LLC
3100 Mill Street, Suite 115
Reno, NV 89502

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 19th day of April, 2021



Employee of Robison, Sharp, Sullivan & Brust

[illegible]

EXHIBIT “1”

EXHIBIT “1”

FILED
Electronically
CV21-00468
2021-03-17 04:48:45 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 8348583 : yvloria

Code: \$1425
CHARLES R. KOZAK, ESQ.
State Bar No.11179
Kozak & Associates, LLC
3100 Mill Street, Ste. 115
Reno, Nevada 89502
Tel: (775) 322-1239
Fax: (775) 800-1767
Email: Chuck@KozakLawFirm.com
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR STATE OF NEVADA

MARIA SERRANO, an individual;
ELMER APURA, an individual,

Plaintiffs,

vs.

COSTCO WHOLESALE CORPORATION,
a State of Washington Corporation;
and DOES 1-5, inclusive,

Defendant.

Case No.:

Dept. No.:

COMPLAINT: 1. Negligence
2. Loss of Consortium

COMPLAINT

COMES NOW the Plaintiff, MARIA SERRANO, an individual, and ELMER APURA, an individual, by and through their attorney of record, CHARLES R. KOZAK, ESQ., and hereby respectfully files his Complaint in the above-captioned matter against Defendant, COSTCO WHOLESALE CORPORATION a State of Washington Corporation; and DOES 1 through 5, inclusive, and in support thereof states as follows:

I. PARTIES

1. Plaintiff, MARIA SERRANO (hereinafter "Plaintiff"), at material times hereto was and continues to be a resident of Reno, County of Washoe, State of Nevada.

3. The Plaintiff is informed and believes, and upon such information and belief alleges Defendant, COSTCO WHOLESALE CORPORATION (hereinafter “Costco”), at all material times to the factual situation giving rise to the current complaint is a business incorporated in the State of Washington, who lawfully and regularly conducts business in the State of Nevada.

II. JURISDICTION AND VENUE

7. Defendant Costco is a State of Washington Corporation who lawfully and regularly conducts business in the State of Nevada.

///

III. STATEMENT OF FACTS

1
2 9. On April 1, 2019, Plaintiff was in the condiment area of the snack bar at the
3 Costco store located at 2200 Harvard Way, Reno, Nevada, when she slipped on water or
4 another unknown substance.

5 10. As she slipped, Plaintiff was able to stop herself from falling to the floor;
6
7 however, she did severely twist her ankle.

8 11. Plaintiff immediately took a seat in the snack bar seating area because her ankle
9 began throbbing with pain.

10 12. Plaintiff then began to walk towards the customer service area to report her
11 injury, on her way there, she noticed a substantial amount of water on the floor, the water went
12 from the snack bar seating area toward the exit door.

13 13. Plaintiff reported her injury to the Costco customer service agent who advised
14 her to file an accident report with the store manager. The Costco customer service agent then
15 took pictures of the standing water and then began cleaning up the water.

16 14. Plaintiff returned to the seating area where a Costco store manager brought her a
17 form to fill out regarding her fall.

18 15. The Costco manager asked Plaintiff if she wanted to go to the hospital, but she
19 declined as she thought the pain would go away after a little while.

20 16. Plaintiff had a job interview scheduled for later that day with Chewy, but she
21 had to cancel it due to the pain in her right ankle.

22 17. After two days, Plaintiff's pain was increasing, and her ankle was beginning to
23 swell.

24 18. Plaintiff was then seen at Renown hospital emergency room with pain and
25 swelling in her right ankle.
26
27
28

1 19. Plaintiff had pain radiating up her entire leg with decreased sensation in her
2 toes.

3 20. Plaintiff was treated for sprain of right ankle and unspecified ligament damage.

4 21. Plaintiff was fitted with a boot and sent home.

5 22. Plaintiff was advised to begin physical therapy; however, she was unable to
6 continue therapy because it increased the pain and swelling in her right ankle.
7

8 23. The physical therapist advised patient that she needed to return to her doctor and
9 let them know that her sprained ankle may be worse than originally diagnosed.

10 24. Plaintiffs follow-up visit with her physician indicated that Plaintiff had
11 moderate-sized plantar calcaneal spur, small tibiotalar joint effusion, partial tear of the anterior
12 talofibular ligament from the talus, a partially torn calcaneofibular ligament and retracted
13 proximally.
14

15 25. Following this visit, the physician advised Plaintiff to consult with a surgeon,
16 Dr. Lundeen.
17

18 26. Dr. Lundeen advised Plaintiff that she would need to have surgery on her ankle
19 to repair the ligaments.

20 27. Plaintiffs diabetic APRN, Beth Seibert, asked Plaintiff to hold off on surgery
21 because it could potentially be harmful for Plaintiff due to an increased risk of infection caused
22 by her diabetes. Ms. Seibert suggested that Plaintiff wait until her A1C level went down to 8
23 or 7.
24

25 28. On or about mid to late April 2019, Plaintiff was contacted by Jamaal H.
26 Johnson of Gallagher Bassett Services, Inc., who informed Plaintiff that they were
27 investigating her accident. Mr. Johnson admitted to Plaintiff that he saw her slip and that he
28

1 saw a “wet spot” on the floor when he viewed the CCTV video from Costco. Mr. Johnson
2 further admitted that Costco was negligent.

3 29. Shortly after these conversations, Plaintiffs claim was transferred to a new
4 resolution manager who then denied Costco’s responsibility.

5 30. While waiting on her A1C levels to go down, Plaintiff was unable to wear
6 closed toe shoes, stand on her foot any significant period of time, and had to have her foot
7 raised up to prevent swelling while she was seated.

8 31. As a result of these issues, Plaintiff was unable to return to work due to her
9 inability to wear shoes or stand for long periods of time.

10 32. Plaintiff suffered from server pain, depression, anxiety, and financial hardship
11 for nearly two years. Plaintiff continues to suffer from pain, depression, anxiety, and financial
12 hardship.

13 33. Plaintiff finally had surgery on her ankle on February 1, 2021 and is currently
14 being seen by a physical therapist.

15 IV. CAUSES OF ACTION

16 First Cause of Action- Negligence

17 34. The foregoing allegations are incorporated as this point as though fully set forth
18 in detail.

19 35. Defendants owed a duty of care to Plaintiff and other patrons of Costco to
20 provide a safe environment, including keeping their floor clean and dry;

21 33. Defendants breached that duty, by failing to monitor and maintain a high traffic
22 area that is prone to spills and other debris.

1 37. Costco's breach of duty was the cause of Plaintiff's injuries. Plaintiff has
2 suffered, and will continue to suffer in the future, serious physical, emotional, and financial
3 injuries.

4 38. As a direct and proximate result of the negligent acts of the Costco, Plaintiff has
5 suffered, and will continue to suffer in the future, serious physical, emotional, and financial
6 injuries, all to her general damage in an amount in excess of FIFTEEN THOUSAND
7 DOLLARS (\$15,000.00).
8

9 Sadler v. PacifiCare of Nev., 40 P.3d 1264 (Nev. 2014); DeBoer v. Sr. Bridges of
10 Sparks Fam. Hosp., 282 P.3d 727 (Nev. 2012); Scialabba v. Brandise Construction Co., 112
11 Nev. 965, 921 P.2d 928 (1996).
12

13 39. By allowing water to gather on the floor, Costco allowed a dangerous condition
14 to occur on its premises.

15 40. Considering that the dangerous condition existed in a high traffic area where
16 customers routinely consume beverages, often spilling those beverages, Costco knew or should
17 have known about the dangerous conditions.
18

19 41. There can be no denying that the dangerous conditions, excessive water/liquid
20 on the floor of the snack bar seating area, caused Plaintiffs injuries.

21 **Second Cause of Action- Loss of Consortium**

22 42. The foregoing allegations are incorporated as this point as though fully set forth
23 in detail.
24

25 43. Plaintiff and Apura are in a valid and lawful marriage.

26 44. As a direct and proximate result of the negligent acts of the Costco, Plaintiff has
27 suffered.
28

45. Apura has been injured by his wife's lack of love, companionship, affection, sexual relations, solace, and ability to assistance with taking care of their two minor children.

45. Apura's loss of consortium is a direct result of Costco's negligence.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff MARIA SERRANO and ELMER APURA pray for Judgment against Costco, as follows:

1. For compensatory damages, including but not limited to, medical bills, lost wages, future earnings, pain and suffering, emotional distress, inconvenience, physical impairment, loss of enjoyment of life, and “general” losses in an amount to be proven at trial;
2. For costs of suit, and;
3. For such other and further relief as this Court deems just and proper.

Pursuant to NRS 239B.030, the undersigned certifies that this document does not contain a Social Security number.

DATED this 17th day of March 2021. Respectfully Submitted,

By: /s/ Charles R. Kozak, Esq.
CHARLES R. KOZAK, ESQ.
Nevada State Bar #11179
3100 Mill Street, Ste. 115
Reno, Nevada 89502
Telephone: (775) 322-1239
Facsimile: (775) 800-1867
Email: chuck@kozaklawfirm.com
Attorney for Plaintiff

EXHIBIT “2”

EXHIBIT “2”

FILED
Electronically
CV21-00468
2021-04-16 11:18:18 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 8398877

1 Code: 3720
2 CHARLES R. KOZAK, ESQ.
3 State Bar No.11179
4 Kozak & Associates, LLC
5 3100 Mill Street, Ste. 115
6 Reno, Nevada 89502
7 Tel: (775) 322-1239
8 Fax: (775) 800-1767
9 Email: Chuck@KozakLawFirm.com
10 *Attorney for Plaintiff*

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**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR STATE OF NEVADA**

MARIA SERRANO, an individual;
ELMER APURA, an individual,

Plaintiffs,

vs.

COSTCO WHOLESALE CORPORATION,
a State of Washington Corporation;
and DOES 1-5, inclusive,
Defendant.

Case No.: CV21-00468

Dept. No.: 3

PROOF OF SERVICE SUMMONS AND COMPLAINT

PLEASE TAKE NOTICE that the Summons and Complaint were served pursuant to NRS 4, in the above-entitled matter as follows: COSTCO WHOLESALE CORP. was served on April 14, 2021 at 999 Lake Drive, Issaquah, Washington 98027-8990 by Colter Norris an employee of One Hour Legal. (See Exhibit 1).

Pursuant to NRS 239B.030, the undersigned certifies that this document does not contain a Social Security number.

DATED this 16th day of April 2021.

KOZAK & ASSOCIATES, LLC.

/s/ Charles R. Kozak, Esq.
CHARLES R. KOZAK, ESQ.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that I am an employee of Kozak & Associates, LLC.; that on the 16th of March 2021, I deposited a true and correct copy of the forgoing, with postage prepaid, with the United States Postal System in Reno, Nevada, addressed as follows:

COSTCO WHOLESALE CORP.
999 Lake Drive
Issaquah, Washington 98027-8990

/s/ Dedra Sonne

Dedra Sonne

Employee of Kozak & Associates, LLC

EXHIBIT LIST

Exhibit No.	Document	No. Pages
1	Affidavit of Service	3

FILED
Electronically
CV21-00468
2021-04-16 11:18:18 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 8398877

EXHIBIT 1

EXHIBIT 1

IN THE JUSTICE OF COURT OF TOWNSHIP
WASHOE, STATE OF NEVADA

MARIA SERRANO, AN INDIVIDUAL, ET AL.,
Plaintiff(s),

CASE NO: CV21-00468

DEPT NO:

VS.

COSTCO WHOLESALE CORPORATION, A
STATE OF WASHINGTON CORPORATION,
Defendant(s),

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF WASHOE

} ss.

COLTER NORRIS, being duly sworn, or under penalty of perjury, states that at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceedings in which this Affidavit is made. That Affiant received a copy of the following document: **SUMMONS; COMPLAINT** On 4/14/2021 and served on this same date of 4/14/2021 by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with Defendant _____ at (state address)
2. Serving Defendant COSTCO WHOLESALE CORPORATION, A STATE OF WASHINGTON CORPORATION by personally delivering and leaving a copy with **STEPHANIE GARDNER - EXECUTIVE LEGAL ASSISTANT**, a person of suitable age and discretion residing at Defendant's usual place of abode located at **999 Lake Dr, Issaquah, WA 980278990**
3. Personally depositing a copy in a mailbox of the United States Post Office, enclosed in a sealed envelope, postage prepaid, certified or registered mail, return receipt requested, addressed to Defendant at:

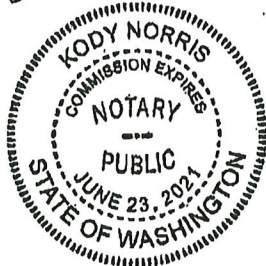
(For valid service a copy of the signed return receipt must be attached hereto.)

SUBSCRIBED AND SWORN to before me on

15 April 2021 Kody Norris

NOTARY PUBLIC in and for the
County of Clark, State of Nevada, WA

My Commission Expires: 4/9/2016
6/23/2021



Date: April 15, 2021

[Signature]

(Server Signature)

Attorney or Party without Attorney: CHARLES R. KOZAK, ESQ. KOZAK & ASSOCIATES, LLC 3100 MILL STREET STE. 115 RENO, NV 89502 TELEPHONE No.: (775) 322-1239 FAX No. (Optional): E-MAIL ADDRESS (Optional): Attorney for: MARIA SERRANO, AN INDIVIDUAL, ET AL. Ref No. or File No.:				FOR COURT USE ONLY SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE -	
Insert name of Court, and Judicial District and Branch Court: SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE -					
Plaintiff: MARIA SERRANO, AN INDIVIDUAL, ET AL. Defendant: COSTCO WHOLESALE CORPORATION, A STATE OF WASHINGTON CORPORATION					
PROOF OF SERVICE BY MAIL		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: CV21-00468

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the SUMMONS; COMPLAINT;
3. By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at WALNUT CREEK, California, addressed as follows:

a. Date of Mailing: April 14, 2021
 b. Place of Mailing: WALNUT CREEK, CA
 c. Addressed as follows: COSTCO WHOLESALE CORPORATION, A STATE OF WASHINGTON CORPORATION
 999 Lake Dr
 Issaquah, WA 98027-8990

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at WALNUT CREEK, California in the ordinary course of business.

Fee for Service: \$ 155.00

County:

Registration:



ONE HOUR LEGAL

2920 CAMINO DIABLO

WALNUT CREEK, CA 94597

(925) 947-3470

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on April 14, 2021.

Signature: _____

PETER HOUSE

PROOF OF SERVICE BY MAIL

Order#: 7397/maillproof

EXHIBIT “3”

EXHIBIT “3”

**DECLARATION OF MICHAEL E. SULLIVAN IN SUPPORT OF
COSTCO WHOLESALE, INC.'S PETITION FOR REMOVAL**

I, MICHAEL E. SULLIVAN, hereby declare and say under penalty of perjury as follows:

1. I am an attorney at law licensed to practice in the State of Nevada and represent the Defendant Costco Wholesale Corporation, Inc. ("Costco").

2. I make the instant declaration in support of Defendant Costco's Petition for Removal.

3. Plaintiffs sought unspecified damages in their Complaint for Plaintiff Maria Serrano's alleged injury. However, I spoke with Plaintiffs' counsel's paralegal on or about April 15, 2021 who confirmed that she believed Plaintiff's medical bills were unknown, but could be in excess of \$75,000, plus Plaintiff Maria Serrano is undergoing follow up care. I was told Plaintiff Serrano was seeking unspecified damages for lost wages and pain and suffering in excess of \$75,000, plus a loss of consortium claim for Plaintiff Elmer Apura. I was advised that Plaintiff Maria Serrano has missed tow (2) years of work due to her injury that she claims happened at Costco, Reno. Thus, according to Plaintiffs, the alleged value of their damages exceeds \$75,000, exclusive of costs and interest.

DATED this 19 day of April, 2021

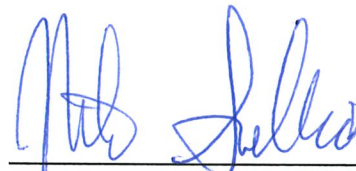

MICHAEL E. SULLIVAN

EXHIBIT "4"

EXHIBIT "4"

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MARIA SERRANO and ELMER APURA

(b) County of Residence of First Listed Plaintiff WASHOE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Charles R. Kozak, Esq., 3100 Mill Street, Suite 115, Reno, NV 89502
(775) 322-1239

DEFENDANTS

COSTCO WHOLESALE CORPORATION, a State of Washington Corporation; and DOES 1-15

County of Residence of First Listed Defendant Washington
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Michael E. Sullivan, Esq. and Hannah E. Winston, Esq.
Robison, Sharp, Sullivan & Brust, 71 Washington Street
Reno, NV 89503, (775) 329-3151

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§1332(a), 1441, and 1446(b)(3)

Brief description of cause:

Personal Injury

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
75,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE